

P19485.A06

I. Claims 1-8, drawn to an endoscope with waveguides, classified in class 385, subclass 117.

II. Claims 9-10, drawn to a polygon mirror, classified in class 359, subclass 216.

III. Claims 11-13, drawn to an optical scanning system, classified in class 359, subclass 198.

The Examiner also asserted that the inventions as set forth above are distinct from each other for various reasons. In particular, the Examiner asserted that the inventions defined by Groups I and III, I and II, and III and II are related as combination/subcombination.

Accordingly, the Examiner required restriction.

Initially, Applicant notes an apparent error in the Examiner's grouping of the claims. In particular, claim 8 is an independent claim drawn to the polygon mirror and should not be grouped with claims 1-7 but should be classified together with dependent claims 9 and 10 which depend therefrom. Accordingly, throughout this response Applicant is assuming the proper grouping of the claims.

As noted above, Applicant has elected Group I comprising claims 1-7 with traverse for prosecution on the merits in the present application. However, Applicant respectfully traverses the Examiner's restriction requirement and submits that it is not appropriate. In particular, because of the inter-relationship of the recitations and features of the claims of the

P19485.A06

various groups identified by the Examiner, Applicant submits that it would be vastly more efficient to conduct the examination of all of claims 1-13 in a single application.

Moreover, with respects to inventions I and II, the Examiner asserted that the combination as claimed does not require the particulars of the subcombination as claimed because the claim specific tilt angles of the reflecting surfaces are not required. Applicant submits that this is incorrect at least with respect to independent claim 8 which does not recite the specific tilt angles of the reflecting surfaces.

Additionally, the Examiner, in the discussion of inventions III and II asserted that the subcombination as separate utility such as use as a mirror in a scanning system. Clearly this is not a separate utility because the combination (i.e. claim 11) is directed to an optical scanning system. Accordingly, for these two additional reasons, it is respectfully submitted that the Examiner's restriction requirement is inappropriate and should be withdrawn.

Moreover, it is respectfully submitted that the searches for each of the groups identified by the Examiner would contain a significant and substantial amount of overlap. Accordingly, there would thus not be a serious burden on the Examiner in examining all of these claims together.

Furthermore, even if the Examiner's characterization of the various inventions and reasons for distinctions were to be considered correct, Applicant nevertheless respectfully submits and requests that all of the inventions defined by claims 1-13 be examined in the

P19485.A06

present application pursuant to the guidelines set forth in MPEP § 803. In particular, the Examiner is respectfully requested to reconsider the requirement and find that there would not appear to be a serious burden on the part of the U.S. Patent and Trademark Office in examining the claims directed to the non-elected invention since the search for the elected invention and the search for the non-elected inventions will by necessity have a significant amount of overlap. In particular, were the Examiner to perform a search for the elected invention, it would not appear to be a serious burden in continuing the search during the examination of the other inventions of Groups II and III, particularly because of the inter-relationship of the recitations of these claims, as set forth above.

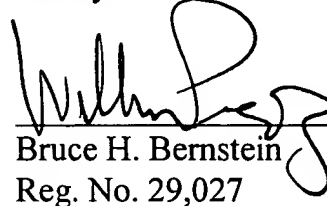
For this reason and consistent with the Office Policy as set forth in MPEP § 803, Applicant respectfully requests that the Examiner reconsider and withdraw the Restriction Requirement set forth in the outstanding Official Action.

While Applicant has set forth sufficient and adequate reasons conclusively showing that the Restriction Requirement set forth by the Examiner is inappropriate and has provided persuasive reasons for its withdrawal, in the event that the Examiner nevertheless chooses not to withdraw the Restriction Requirement, Applicant has elected with traverse the invention categorized by the Examiner as Group I and comprising claims 1-7, with traverse.

P19485.A06

Should the Examiner have any questions or comments regarding the present Response, or this application, the Examiner is respectfully requested to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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